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Right to education*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to education, Koumbou Boly Barry, submitted in accordance with Human Rights Council resolutions 8/4 and 26/17. In her report, the Special Rapporteur focuses on the role of equity and inclusion in the right to education.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Rapporteur on the right to education

Summary

In the present report, the Special Rapporteur reviews the role of equity and inclusion in strengthening the right to education, in particular in the context of achieving the Sustainable Development Goals. The Special Rapporteur concludes by calling for States to take significant, positive actions to tackle discrimination, inequity and exclusion in education to ensure that the Sustainable Development Goals are met.

Contents

Page

I. Introduction 3

II. Activities undertaken by the Special Rapporteur during the reporting period 3

III. Equity, inclusion and non-discrimination 5

A. Education without discrimination 5

B. Equity, inclusion and the right to education 6

C. Equity in education 6

D. Inclusion in education 6

IV. People and groups at risk of exclusion 7

A. Women and girls 7

B. Children with disabilities 9

C. Poverty 11

D. Cultural, ethnic and linguistic minority groups 13

E. Indigenous communities 14

F. Rural populations 15

G. Refugees 16

H. Migrants and migrant workers 17

I. Internally displaced persons 18

J. Nomadic peoples 19

K. Roma 20

L. Stateless people 20

M. Private education 21

V. Conclusions and recommendations 21

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 35/2. In the report, devoted to inclusion and equity and the right to education, the Special Rapporteur addresses the importance of equity and inclusion in education and considers how those concepts apply in practice.

2. Significant improvements have been made in the education sector, in particular in education enrolment rates, in the past 15 years, under the guidance set out in the Millennium Development Goals. United Nations Educational, Scientific and Cultural Organization (UNESCO) statistics show that adjusted net enrolment rates were 91 per cent for primary education, 84 per cent for lower-secondary education and 63 per cent for upper-secondary education in 2014, yet those statistics obscure the fact that some students continue to be excluded (see E/2017/66). A total of 263 million children and young people remain out of school, including 61 million children of primary school age. Sub-Saharan Africa and Southern Asia account for over 70 per cent of the global population that is out of school at the primary and secondary levels of education.[1]

3. Children from the richest 20 per cent of households were better readers upon completion of their primary and lower-secondary education than children from the poorest 20 per cent of households. In most countries for which data is available, urban children scored higher in reading than rural children.[2] In addition to poor and rural children, girls, persons with disabilities, minority groups, indigenous peoples, and nomadic populations are often overrepresented among eligible learners who are not in school. In the next 15 years under the Sustainable Development Goals, it is vital that Governments look at those groups to find ways to ensure that the right to education is enjoyed equally by all.

4. In the present report, the Special Rapporteur highlights the need to focus on eliminating discrimination and promoting equity and inclusion to identify and address the barriers in bringing the right to education to the world's remaining eligible learners who are not in school.

II. Activities undertaken by the Special Rapporteur during the reporting period

5. During the reporting period, the Special Rapporteur presented her thematic report on realizing the right to education through non-formal education (A/HRC/35/24) to the Human Rights Council at its thirty-fifth session. In the report, she examined how non-formal education can be a flexible, cost-effective mechanism that can provide high-quality education which fulfils State obligations to provide for the right education.

6. The Special Rapporteur participated in a number of public events on education and continued collaborating with States, international organizations and non-governmental organizations.

7. From 5 to 7 September 2016, the Special Rapporteur attended the East Africa regional consultations on the human rights guiding principles on State obligations

[1] UNESCO, "Leaving no one behind: how far on the way to universal primary and secondary education?", Policy Paper No. 27 and Fact Sheet No. 37 (July 2016). Available from www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/single-view-news/263_million_children_and_youth_are_out_of_school_from_primar.

[2] Ibid.

regarding private schools, organized by the Education Support Program of the Open Society Foundations; the Global Initiative for Economic, Social and Cultural Rights; and the Right to Education Project. Participants engaged with representatives of States, civil society groups and human rights organizations and experts on developing guiding principles for State support to private schools.

8. On 18 October, the Special Rapporteur participated in a panel discussion on human rights and the Sustainable Development Goals, held at the Nordic Trust Fund of the World Bank, in Washington, D.C. At the event, World Bank staff consulted with the Special Rapporteur on the role of the right to education in development.

9. On November 11, the Special Rapporteur participated in the international seminar entitled "Towards an emancipatory education promoter of human rights", held in Mexico City, hosted by the Latin American Campaign for the Right to Education. The seminar addressed the role of human rights and the promotion of the right to education in Latin America.

10. From 16 to 18 November, the Special Rapporteur attended the inaugural international seminar of the Lusophone Network on the right to education, held in Porto, Portugal, hosted by the Brazilian National Campaign for the Right to Education, the UNESCO office in Brazil and the Open Society Foundations. The seminar addressed issues relating to the right to education in Portuguese-speaking countries.

11. From 17 to 19 January 2017, the Special Rapporteur attended the international symposium on the theme "School violence and bullying: from evidence to action", held in Seoul and organized jointly by UNESCO and the Institute of School Violence Prevention of Ewha Womans University. The symposium aimed at promoting evidence-based action among education policymakers in order to provide safe and non-violent learning environments.

12. On 13 and 14 March, the Special Rapporteur attended the Europe and North America regional consultations on the human rights guiding principles on State obligations regarding private schools. Participants engaged with representatives of States, civil society groups and human rights organizations and experts on developing guiding principles for State support to private schools.

13. From 4 to 6 April, in Sao Paulo, Brazil, the Special Rapporteur attended an event marking the release of a study on the impact of strategic litigation on equal access to high-quality education in Brazil, India and South Africa, prepared by the Open Society Foundations. This study reviewed the impact of strategic litigation on strengthening the right to education in 11 countries.

14. On 8 May, the Special Rapporteur delivered an address at the 8th global meeting of the UNESCO mechanism Collective Consultation of Non-Governmental Organizations on Education for All, held in Siem Reap, Cambodia. Her address focused on encouraging engagement by civil society in the implementation of Goal 4 of the Sustainable Development Goals.

15. From 12 to 14 June, the Special Rapporteur visited the offices of the National Campaign for the Right to Education, in Brazil. She attended the launch of the "100 million" campaign and met with representatives of the Senate of Brazil and civil society.

16. From 18 to 22 June the Special Rapporteur visited the Foro Dakar in Honduras to review the situation relating to the right to education in that country. She also met with representatives of the Government and the Office of the United Nations High Commissioner for Human Rights.

17. On 28 June, the Special Rapporteur was a panellist at the high-level event on action in education for the implementation of Sustainable Development Goal 4, organized by the President of the General Assembly, in New York. In her intervention, she focused on the role of the right to education in achieving the Sustainable Development Goals.

18. On 8 September, the Special Rapporteur participated in an event in Paris marking International Literacy Day, organized by UNESCO with the theme "Literacy in a digital world", focusing on the literacy skills needed in digitally-mediated societies.

III. Equity, inclusion and non-discrimination

19. The prohibition against discrimination aims at addressing, in law and in practice, the barriers which exclude some students from accessing education or which impair their success once they are in schools. To address those barriers, States must pursue equitable and inclusive approaches. Equitable approaches must go beyond ensuring equal access for all to ensuring that individual learners receive the support they require to succeed, according to their individual circumstances. Inclusive education is aimed at ensuring that all learners, regardless of their linguistic and cultural backgrounds, physical and mental abilities or other personal characteristics, learn together in a welcoming and supportive environment.

A. Education without discrimination

20. The obligation to provide education without discrimination is found in many international treaties and instruments. The Convention against Discrimination in Education, of 1960, proscribes any form of discrimination in connection with the right to education. It prohibits discrimination in education on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth. The Convention requires States parties to go beyond the simple prohibition of discrimination and to ensure that the principle of equality of educational opportunities fully translates into concrete reality. Article 4 requires States parties to create national policies that promote equality of opportunity and of treatment in the field of education.

21. Those requirements are echoed in the International Covenant on Economic, Social and Cultural Rights. Article 2 (2) prohibits discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In its general comment No. 13 (1999) on the right to education, the Committee on Economic, Social and Cultural Rights stressed that education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds.

22. Further prohibitions against discrimination are contained in numerous international treaties and declarations, including in article 28 of the Convention on the Rights of the Child, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24 of the Convention on the Rights of Persons with Disabilities and articles 14 and 21 of the United Nations Declaration on the Rights of Indigenous Peoples.

B. Equity, inclusion and the right to education

23. In the Sustainable Development Goals, the universal right to free, high-quality primary education without discrimination has been expanded to include secondary education. It is no longer sufficient to guarantee equitable access to schools; States must take measures to ensure that students are learning and that they graduate from at least lower-secondary school. In some cases, the particular circumstances of some students will prevent them from being as successful as others. Learners with disabilities, poor and rural students, girls, members of minority groups and other vulnerable groups face additional hardships that require assistance to ensure that they can succeed.

24. In recognition of that, Sustainable Development Goal 4 and the Education 2030 Framework for Action, call for greater efforts to ensure equity and inclusion, as part of the aim to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all by 2030. To bridge the gap, Governments must identify ways to support students who are in need by taking measures to ensure that all students come to school and stay to graduate.

C. Equity in education

25. It is important to distinguish between equity and equality in education. Equality refers to treating all students the same. Equity is providing all students with what they need to succeed. While it is important to ensure that all students have equal access to a high-quality education, the particular circumstances of some students may require additional support to ensure that they are able to succeed. Equity in education means that there is an obligation to ensure that personal or social circumstances such as gender, ethnic origin or economic background are not obstacles to accessing education and that all individuals reach at least a basic minimum level of skills.

D. Inclusion in education

26. Inclusive education provides the same learning environment for students of diverse backgrounds and abilities. Inclusive education often refers to the inclusion of learners with disabilities into a regular classroom environment, but it can also refer to the reintegration of older students who have been out of school for some time and the inclusion of students with different cultural and linguistic backgrounds or, in general, any student who requires additional support to succeed in the education system.

27. The goal of inclusive education is to ensure that all students learn and play together, with a sense of safety and belonging. By living and learning together, inclusive education directly tackles discrimination and bias and teaches tolerance and an appreciation for diversity. Supported by trained educators, and adequately equipped schools, inclusive education can change discriminatory attitudes and practices.

28. Inclusion requires a participatory approach. Articles 12 to 17 of the Convention on the Rights of the Child provides for children's freedom to express opinion and to have a say in matters affecting their social, economic, religious, cultural and political life, and, furthermore, provides for their right to express opinions and to be heard and their right to information and freedom of association. Similarly, in the Education 2030 Framework for Action, the importance of recognizing children, adolescents and young people as right holders and as

legitimate interlocutors in education policy and practice at all levels was underlined. Adolescents and young people around the world are suffering discrimination on the basis of their age, are not being consulted or listened to or having their views and opinions taken into consideration, be it in the classroom or in other educational and social contexts. Even worse, in some contexts, they are being criminalized or discriminated against for their political views or having their freedom of thought, expression and association violated.

29. Inclusive education has been shown to be cost-effective and to lead to the best learning outcomes for students. Special institutions, including specialized schools, should be avoided, in general, as a less desirable solution, because at a minimum, they make it more difficult for students of differing abilities to socialize and interact, activities which can improve tolerance and mutual respect. Inclusive schools that provide supportive, context-appropriate conditions for learning have been shown to be better for students.[3]

IV. People and groups at risk of exclusion

30. Recognizing the need for equitable and inclusive education free from discrimination, in the present report, the Special Rapporteur considers some of the people and groups that are overrepresented among eligible learners who are not in school.

31. In all countries, persistent barriers that lead to exclusion exist for many children and learners. Addressing and overcoming those barriers requires reaching all learners, respecting their diverse needs, abilities and characteristics and eliminating all forms of discrimination in the learning environment. In this section, the Special Rapporteur considers challenges that are common to people and groups that often face discrimination. However, despite the general observations that follow, the barriers faced will always be particular to local circumstances, and dialogue with national education administrations, civil society, parents and learners is crucial to identifying those barriers.

A. Women and girls

32. Women and girls are frequently excluded from education. Families often favour boys when investing in education. Child marriage, early pregnancy, child labour, housework obligations, school fees and residing long distances from schools all keep girls from attending school. Some schools do not address girls' needs for safety, water and sanitation facilities. When the curriculum is not responsive to their lives, or of good quality, parents may not make the effort needed to keep girls in school. Gender-based violence also keeps girls from completing their education.

33. As a result of those and other barriers, girls are more likely than boys to never attend school. It has been estimated that 15 million girls of primary school age will never get the chance to learn to read or write in primary school, compared with about 10 million boys.[4] Of those 15 million girls, 9 million live in sub-Saharan Africa.

34. The greatest barrier to education for girls is poverty. In northern Africa and western Asia, among the poorest countries in the region, the gender gaps are the

[3] Organization for Economic Cooperation and Development, *Equity and Quality in Education: Supporting Disadvantaged Students and Schools* (OECD Publishing, 2012), p. 9. Available from http://dx.doi.org/10.1787/9789264130852-en.

[4] UNESCO, "Leaving no one behind" (see footnote 1).

widest: only 85 girls for every 100 boys of lower-secondary school age attend school. Among those of upper-secondary school age, only 77 of the poorest girls attend for every 100 of the poorest boys.

35. Girls' right to education is strongly protected under international law. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women is the most comprehensive provision on girls' and women's right to education. According to article 10, States parties have an obligation to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and to ensure, on a basis of equality of men and women, the same conditions for access to studies at all educational levels, in both urban and rural areas; the same quality of education; the elimination of any stereotyped concept of the roles of men and women; the same opportunities to benefit from scholarships and other study grants; the same opportunities to access programmes of continuing education, including literacy programmes; the same opportunities to participate in sport and physical education; the reduction of female student dropout rates; and access to educational information on health, including advice on family planning.

36. The International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Discrimination in Education and the International Covenant on Civil and Political Rights also guarantee girls' and women's right to education, combining general provisions on non-discrimination with specific provisions on the right to education. Furthermore, the obligation to achieve gender parity in education is reflected in the Sustainable Development Goals, target 4.5 of which is to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training by 2030.

37. The treaty bodies have often called for States to address gender issues in education. A good example of the numerous measures to improve the conditions of education for girls is contained in the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second and third periodic reports of Timor-Leste (CEDAW/C/TLS/CO/2-3). The Committee called for increased efforts to retain girls and young women at all levels of education, including by providing adequate and gender-sensitive sanitation facilities and safe transportation to and from schools, as well as safe educational environments free from discrimination and violence, strengthening incentives for parents to send their daughters to school, eliminating child, early and forced marriage, and raising awareness among communities, families, pupils, teachers and community leaders, especially men, of the importance of education for girls and women (ibid., para. 27 (a)). The Committee also requested that Timor-Leste adopt an official re-entry policy for young women and girls who have dropped out of school owing to early pregnancy, called for measures to educate children in an age-appropriate fashion on sexual and reproductive health and to address sexual violence in educational institutions.

38. The Committee on the Elimination of Discrimination against Women, in its concluding observations on the combined eighth and ninth periodic reports of Bhutan, recommended that the State party develop measures to ensure the effective retention of women and girls in school, especially when they are making the transition from primary to secondary school and at higher levels of education; intensify the provision of non-formal education and other adult literacy programmes to reduce female illiteracy; and increase the number of female teachers in schools by intensifying the enrolment of women in teacher training centres and colleges (CEDAW/C/BTN/CO/8-9, para. 25).

39. There are numerous good examples of national legislation that specifically addresses gender parity. In Argentina, Act No. 26.150 on Comprehensive Sex Education, of 2006, contains curriculum guidelines, including the requirement to foster learning that respects diversity, rejects all forms of discrimination and provides for equal treatment and opportunities for men and women. In Act No. 26.206 on National Education, of 2006, article 11 (f) provides that the purpose and aim of the national education policy are to ensure equal conditions and respect for differences among people and to prevent gender discrimination or any other type of discrimination.

40. In Morocco, an inter-ministerial framework was established, bringing together sectoral policies on gender. The Government agenda for equality, which has now become the Government equality plan for parity, 2012-2016, aims at creating a high level of synergy in order to mainstream a gender perspective into socioeconomic development programmes and policy. The plan has eight priority areas of action for the 2012-2016 period, the second of which is education, with the goal of achieving fair and equal access for girls and boys to a high-quality education system leading to qualifications. The related action plan is structured around two strategic objectives, namely, ensuring fair and equal access for girls and boys to a high-quality education system and reducing the dropout rate; and introducing an incentive system for innovative initiatives to promote equality and combat gender-based violence in schools.

41. The Special Rapporteur notes that the effective implementation of plans targeting the needs of women and girls requires gender-responsive budgeting, which ensures that adequate resources are applied to promote education for women and girls. Combined with the collection of disaggregated data, this will allow Governments to identify effective policies and practices and to demonstrate that sufficient funding is available.

B. Children with disabilities

42. It is estimated that more than 1 billion people around the world have some form of disability, with over eighty per cent living in developing countries.[5] An estimated 93 million of them are children under the age of 14 living with a moderate or severe disability.[6] Of those, between 110 and 190 million have significant difficulties in functioning, and the estimated number of children with disabilities who are between 0 and 18 years of age ranges from 93 to 150 million.[7] Another estimate suggests that around the world there are about 62 million children of primary school age who have a disability, and 186 million children with disabilities who have not completed primary school.[8]

43. Those are estimates, however, given the lack of reliable information, in particular for education-related data, which rarely includes information on persons with disabilities. Children with disabilities are left out of national education plans when their numbers are unknown, and the means to address their needs are unidentified. The lack of data is a serious challenge for governments, donors and international actors in monitoring the situation of children, young people and adults

[5] World Health Organization, *World Report on Disability* (Geneva, 2011), p. 36. Available from www.who.int/disabilities/world_report/2011/en/index.html.

[6] Ibid.

[7] Ibid.

[8] UNESCO, *The Right to Education for Persons with Disabilities* (Paris, 2015). Available from http://unesdoc.unesco.org/images/0023/002325/232592e.pdf.

with disabilities, compounded by the fact that there are different forms and types of disabilities, which all require different forms of accommodation.

44. Children who are educated alongside their peers have a much better chance of becoming productive members of society and being included in their communities. In a study of 10 developing countries, the International Labour Organization (ILO) found that the loss to gross domestic product (GDP) from the exclusion of persons with disabilities from the labour market was estimated to be between 3 and 7 per cent of GDP.[9] In addition, the returns to society from investment in more effective strategies for inclusion are recognized. In a report prepared for the Australian Network on Disability, Deloitte Access Economics predicted that a cumulative $43 billion increase in GDP over the period 2011-2021 would result if the unemployment and labour force participation gaps between persons with and without disabilities were reduced by one third.[10] UNICEF estimated that, in Bangladesh, the loss of income from a lack of schooling and employment of persons with disabilities and their caregivers was $1.2 billion annually, or 1.7 per cent of GDP.[11]

45. Children with disabilities may lack supportive parents, but instead have parents who do not enrol their children owing to their low expectations and lack of understanding of the value of an education. Parents with several children may give priority to their children without disabilities, in particular when there are costs for books, school uniforms or transportation. Most schools throughout the world remain physically inaccessible, with inaccessible hygiene and sanitation facilities and lacking appropriate equipment and materials or transportation. Once at school, such children may face stigma, prejudice and bullying from teachers, parents and other children. These barriers often compound their effects over time. Even where children with disabilities receive some primary education, the percentage of them accessing secondary education is often strikingly lower than that of their peers without disabilities.

46. The right to education of persons with disabilities is enshrined in the Convention on the Rights of Persons with Disabilities, which provides that, with a view to realizing that right without discrimination and on the basis of equal opportunity, States Parties should ensure an inclusive education system at all levels and lifelong learning. Article 24 (2) of the Convention provides that, in realizing that right, States parties should ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; and persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live. Measures aimed at fulfilling obligations under the Convention on Technical and Vocational Education would cover basic skills and would contribute to such education for persons with disabilities.

47. The Committee on the Rights of the Child, in its concluding observations on the combined second and third periodic reports of Saint Vincent and the Grenadines, recommended that the State party adopt legislation to ensure the provision of the services necessary for the realization of substantive equality for and the protection

[9] Sebastian Buckup, "The price of exclusion: the economic consequences of excluding people with disabilities from the world of work", Employment Working Paper No. 43 (Geneva, ILO, 2009).

[10] Deloitte Access Economics, "The economic benefits of increasing employment for people with disability", report commissioned by the Australian Network on Disability (Sydney, 2011).

[11] UNICEF, "Children and young people with disabilities", fact sheet (May 2013). Available from www.unicef.org/disabilities/files/Factsheet_A5_Web_NEW.pdf.

of the rights of children with all types of disabilities, such as physical, sensory, intellectual and psychosocial disabilities, including the provision of reasonable accommodation so that they can lead an autonomous life in the community and access inclusive education (see CRC/C/VCT/CO/2-3, para. 20 (b)).

48. The Committee urged Saint Vincent and the Grenadines to set up a comprehensive strategy for the inclusion of children with disabilities, including those with physical, sensory, intellectual and psychosocial disabilities; to ensure that laws, policies and programmes, including the education development plan, prioritized inclusive education over the placement of children in specialized institutions and classes; and to train and raise the awareness of all teachers and other professionals on inclusive education and encourage the hiring of teachers with disabilities (Ibid., para. 44 (b), (e) and (f)).

49. The Committee on the Elimination of Discrimination against Women, in its concluding observations on the combined seventh to ninth periodic reports of Rwanda, recommended that the State party allocate sufficient human, technical and financial resources to ensure the provision of inclusive education for girls and boys with disabilities and financial support for girls who cannot afford school materials, and ensure that all girls have access to education, including in remote areas and refugee camps, for example by establishing mobile schools (CEDAW/C/RWA/CO/7-9, para. 33 (e)).

50. Croatia provides a good example of how to implement inclusive education. Article 60 of the Primary Schools Act requires inclusive education of learners with developmental difficulties in primary schools, with individualized procedures and prolonged professional treatments. For students with greater developmental difficulties, primary education is provided by means of special education. When a child is unable to attend primary school, education is organized by the nearest school with professional assistance. For children in health-care institutions, hospitals or institutions of social welfare, primary education is organized to meet the particular needs and capabilities of the pupils.[12]

C. Poverty

51. Poverty is one of the greatest barriers to education. Sub-Saharan Africa remains the region with the highest out of school rates for all age groups: more than half of all young people between the ages of 15 and 17 are not in school, as are more than one third of adolescents between the ages of 12 and 14 and one fifth of children between the ages of 6 and 11. Six countries are home to more than one third of all children of primary age who are out of school: Ethiopia, India, Indonesia, Nigeria, Pakistan and the Sudan.[13]

52. Children from the poorest 20 per cent of families are eight times as likely to be out of school as children from the richest 20 per cent, in lower-middle-income countries.[14] Children of primary and secondary school age in the poorest countries are nine times as likely to be out of school as those in the richest countries. UNESCO estimates that children still bear significant costs for their education in

[12] UNESCO, *Implementing the Right to Education: A Compendium of Practical Examples* (Paris, 2010), p. 73. Available from http://unesdoc.unesco.org/images/0019/001908/190897e.pdf.

[13] UNESCO, "World poverty could be cut in half if all adults completed secondary education", 19 June 2017. Available from http://en.unesco.org/news/world-poverty-could-be-cut-half-if-all-adults-completed-secondary-education.

[14] Ibid.

some countries. In Ghana, children must pay $87 to attend primary school, in Côte d'Ivoire, $151 and, in El Salvador, $680.[15]

53. Conversely, education is one of the greatest solutions to poverty. UNESCO analysis on the impact of education on poverty has shown that nearly 60 million people could escape poverty if all adults had just two more years of schooling.[16] If all adults completed secondary education, 420 million of them could be lifted out of poverty, reducing the total number of poor people by more than half globally and by almost two-thirds in sub-Saharan Africa and South Asia.[17]

54. The right to education for the poor is included in the right to education for all. Articles 2 and 13 of the International Covenant on Economic, Social and Cultural Rights provides for the right of all people to education, without discrimination of any kind. In the Sustainable Development Goals and the 2030 Agenda for Sustainable Development, recognized that education was key to poverty eradication. Education helps people to obtain decent work, raises their incomes and generates productivity gains that fuel economic development. Furthermore, education raises people's awareness of their human rights, allowing them to engage with Governments to ensure a just and equitable society. As such, a human rights-based approach to poverty can enforce anti-poverty strategies and make them more effective.

55. In their concluding observations, the treaty bodies have called upon States to address the role that poverty has in impairing the realization of the right to education. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the combined second and third periodic reports of Armenia, recommended that the State part reinforce efforts to ensure that poverty does not negatively affect a child's education or work prospects (E/C.12/ARM/CO/2-3, para. 23). In its concluding observations on the second periodic report of the Republic of Moldova, the Committee urged the State party to reinforce efforts to ensure that children are not prevented from attending school because of poverty in the family (E/C.12/MDA/CO/2, para. 28). Such efforts should also include the alleviation of the negative impact of indirect and informal costs on the access to education, especially within inadequately funded primary schools in rural areas (ibid.).

56. National legislation should ensure that education is free of any direct or indirect costs. In Bangladesh, for example, the Government distributes books and other education materials with a view to providing equal access to learning materials to all children who are going to school. In 2013, the Government distributed around 270 million books.[18]

57. The new inclusive education policy in the Cook Islands, launched in 2011, requires schools, teachers and others to recognize and meet the diverse needs of children with disabilities. The policy focuses on the right of all children to have a successful education and on developing an understanding of inclusivity and the promotion of inclusive practices. The policy provides schools with specialist services, including early intervention diagnostic services, advisory support in developing individual education plans for the students concerned and staff to support identified students in the classroom if needed. The policy is the result of

[15] Ibid.

[16] UNESCO, "Reducing global poverty through universal primary and secondary education", Policy Paper No. 32 and Fact Sheet No. 44 (June 2017). Available from http://unesdoc.unesco.org/images/0025/002503/250392E.pdf.

[17] UNESCO, "World poverty could be cut in half ..." (see footnote 13).

[18] UNESCO, *Implementing the Right to Education: A Compendium of Practical Examples* (Paris, 2016), p. 94. Available from http://unesdoc.unesco.org/images/0024/002451/245196e.pdf.

collaboration between the Ministry of Education, the Ministry of Internal Affairs, which is responsible for children, and young people, as well as people with disabilities, the Ministry of Health and other stakeholders.

58. In Nauru, section 95 (1) of the Education Act 2011 provides that a school-age child with a disability must not be excluded from access to free primary and secondary education on the basis of the disability. The Act implements the principle of inclusive education by requiring schools to accommodate and support school-age children who have a disability, and by ensuring that teachers are trained with additional modes of communication and educational techniques, as required.

D. Cultural, ethnic and linguistic minority groups

59. The rights of cultural, ethnic and linguistic minority groups to education are widely recognized in human rights treaty law. Despite that fact, members of those groups often face discrimination and barriers to realizing their right to education. The movements of refugees and migrants in many parts of the world today raise questions not just of access to education, but of segregation and integration. Inclusion calls for respect for diversity, whether cultural, religious and linguistic. Cultural pluralism must be planned for in national education policies and those plans implemented in order to ensure respect for the rights of national minority groups and newly arrived migrant or refugee populations.

60. Article 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities calls upon States to take measures in the field of education in order to encourage knowledge of the history, traditions, language and culture of the minority groups existing within their territory (General Assembly resolution 47/135, annex). Persons belonging to minority groups should have adequate opportunities to gain knowledge of the society as a whole, and an equitable, inclusive education system incorporates those norms to ensure that the needs of such groups are respected.

61. Article 5 of the Convention against Discrimination in Education provides for the right of national minority groups to carry out their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or teaching of their own language. It requires that, in the exercise of that right, the members of minority groups be respectful of the culture and language of the community as a whole and not be prejudicial to national sovereignty. The Convention requires that the standard of education in minority schools meet national standards and that enrolment in such schools is optional. However, an equitable, inclusive education system should be preferred to minority groups' carrying out their own educational activities.

62. Persons belonging to ethnic minority groups are often prevented from fully enjoying their right to education. In some countries, they suffer from irregular access to education. The Committee on Economic, Social and Cultural Rights has observed that persons of African descent are an ethnic group that is likely to be prevented from accessing education in Costa Rica and Canada and called for those States to adopt and effectively implement a targeted programme of action to realize the rights of persons of African descent under the International Covenant on Economic, Social and Cultural Rights (E/C.12/CRI/CO/4, para. 35, and E/C.12/CAN/CO/4, para. 32).

63. In many countries, linguistic minority groups are given particular attention in national education systems, including in Australia (indigenous peoples), Brazil (Afro-Brazilians), Croatia, Czechia, Hungary, Latvia, Norway, Slovakia (Roma), Slovenia (special educational rights for Italians and Hungarians) and Spain

(immigrants). Those countries offer language facilities and regulate the educational standards of educational institutions run by minority groups.[19]

64. The language of instruction, as well as knowledge of languages, plays a key role in learning. Bilingual education has been found to improve the schooling outcomes of children from indigenous communities in many countries, which suggests that there is a need to recognize the importance of mother tongue instruction in early childhood and the first years of primary school. The contemporary issues regarding language and the right to education call for practical solutions, with a view to operationalizing the existing normative framework established in the United Nations human rights conventions referred to in the present report.

65. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the initial report of Togo on the implementation of the International Covenant on Economic, Social and Cultural Rights, recommended that the State party ensure that minority languages and human rights are taught at all levels of the education system (E/C.12/TGO/CO/1, para 34). The Committee, in its concluding observations on the sixth periodic report of Sweden, recommended that the State party take immediate steps to provide indigenous children and children belonging to minority groups with educational opportunities that allow them to develop their mother tongue skills (E/C.12/SWE/CO/6, para. 46). The Committee also recommended that the State party broaden the access to bilingual education in areas populated by indigenous peoples and minority groups, and that it increase the availability of Sami and minority language teachers, including by substantially increasing the resources for training teachers in national minority languages (ibid.). The Committee has recommended that sufficient funding be provided for bilingual education. Children belonging to minority groups or indigenous communities are entitled to have equal opportunities to receive instruction in their mother tongue; any distinction between different minority and indigenous groups must be justified by reasonable and objective criteria (E/C.12/SVN/CO/1, para. 11, and E/C.12/BIH/CO/1, para. 50).

66. Article 34 of the Constitution of Slovakia provides for the right for children of national minority and ethnic groups to an upbringing and education in their language, along with the national language. In Czechia, Act No. 561/2004 on preschool, basic, secondary, tertiary professional and other education (Education Act) provides for the recognition of the right of members of national minority groups to learn their minority language or to receive education in that language. Section 14 of the Act requires municipalities, regions or the Ministry of Education to ensure the provision of education for members of national minority groups in the language of the relevant minority at the nursery, basic and secondary school levels.

E. Indigenous communities

67. A diverse range of minority groups and indigenous peoples exist across the world, and one thing they all have in common is that they often face discrimination, marginalization and exclusion. Children of indigenous population are less likely to enrol in primary education and more likely to repeat grades than non-indigenous children.[20] Indigenous children are regularly deprived of access to high-quality education that is relevant and responsive to their specific context and needs.

[19] UNESCO, "Inclusive dimensions of the right to education: normative bases" concept paper (2008), p. 13.

[20] Ibid.

68. Articles 1, 7 and 26 to 31 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO provide that indigenous peoples have the same right to education as is afforded to other citizens of the country. To address the specific requirements of indigenous peoples, articles 14, 15, 17 and 21 of the United Nations Declaration on the Rights of Indigenous Peoples afford them control over their education, to be provided in their own language and in accordance with their own culture and traditions. As with education for minority groups, however, the Special Rapporteur finds it far preferable for States to create an inclusive national education system that incorporates those values and rights, ensuring not just that indigenous people learn their languages, customs and traditions, but that they be taught to all students.

69. The treaty bodies regularly call upon States to ensure that indigenous children have access to education, including the provision of an adequate number of teachers and the good quality of schools, and to improve the academic performance of indigenous children (E/C.12/CRI/CO/4, para. 35, and E/C.12/MAR/CO/3, para. 46).

70. The Committee on the Elimination of Discrimination against Women, in its concluding observations on the combined seventh and eighth periodic reports of Honduras, recommended that the State party take specific measures to accelerate substantive equality between women and men, in particular women from indigenous communities, including in political life and in the areas of health, education, vocational training and employment (CEDAW/C/HND/CO/7-8, para. 19).

71. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the third periodic report of Guatemala, recommended that the State party continue its efforts to implement its literacy plan and step up its efforts in rural areas and among the indigenous peoples (E/C.12/GTM/CO/3, para 25). The Committee also called upon Ecuador to continue its efforts to implement its literacy plan and to ensure that it covers rural areas, zones inhabited by indigenous peoples and different age groups (E/C.12/ECU/CO/3, para 31).

72. Article 75 of the Constitution of Australia recognizes the right of indigenous peoples to receive an education that helps to preserve and reinforce their cultural norms, languages, world views and ethnic identities, to play an active role in a multicultural world and to improve their quality of life. Intercultural bilingual education thus fosters a mutually enriching exchange of knowledge and values among indigenous peoples and ethnically, linguistically and culturally different populations and encourages the recognition of, and respect for, such differences.

73. In Chile, under Law No. 19.253 the State requires the development of a bilingual intercultural education system, in areas with many indigenous peoples, in order to prepare indigenous students to manage adequately either in their original society or globally. In addition, the State must allocate special resources to the Ministry of Education for indigenous grant programmes.

F. Rural populations

74. There is a critical need to ensure the right to education of rural populations, especially for those who live in remote areas. Rural learners often face long travel times to school, when they are even available. Often living in agricultural settings, rural children may be required to assist with farming activities, and parents may not appreciate the benefits of providing their children with an education, in particular when there are costs relating to school fees, transportation, uniforms or materials, especially when those families are poor. Teachers are often reluctant to endure the hardships of teaching in remote communities, especially absent any form of incentive.

75. The right to education for rural people arises from the rights that apply to all people, but includes special measures to ensure that rural women have access to educational opportunities. Historically, rural women have had inferior access to educational opportunities compared with men and, in many cultures, are kept at home to take care of the family. To address prejudicial attitudes, articles 10 and 14 (d) of the Convention on the Elimination of All Forms of Discrimination against Women call for States parties to ensure equal access to all forms of education for rural women and that rural women have equal access to formal and non-formal education, including that relating to literacy and vocational training.

76. Promoting the quality of teaching and learning, paying special attention to the strategies for placing, supporting and retaining qualified and trained teachers in rural areas and improving their working conditions, is of crucial importance. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the combined fifth and sixth periodic reports of the Philippines, recommended that the State party take all measures necessary to strengthen its public education sector, including by increasing the budget allocated to primary and secondary education with a view to improving access to, and the quality of, education, without hidden costs, in particular for children of low-income families and children living in rural areas (E/C.12/PHL/CO/5-6, para. 56). The Committee on the Rights of Persons with Disabilities, in its concluding observations on the initial report of the Dominican Republic on the implementation of the Convention on the Rights of Persons with Disabilities, recommended that the State party adopt a policy to provide access to good quality, inclusive education at all levels, taking particular account of the gender perspective, in both urban and rural areas (CRPD/C/DOM/CO/1, para. 45).

77. Panama implements non-formal education programmes that target socially vulnerable groups among its population. For example, family and community centres for early childhood education offer non-formal preschool education for children of 4 and 5 years of age who are living in rural, indigenous and marginal urban areas of the country's 13 educational regions.

78. In Turkey, Law No. 3684 concerning social assistance for students at primary and secondary schools provides for a free bus service for children of primary school age living in rural areas and a subsidy for boarding and school uniforms. In sparsely settled areas, Turkey constructed regional primary-level boarding schools to serve villages that might otherwise not have access to high-quality education. Conditional cash transfers provide financial assistance in the areas of health, nutrition and education to parents who would otherwise be unable to send their children to school.

G. Refugees

79. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that only 50 per cent of refugee children have access to primary education, compared with the global average of more than 90 per cent.[31] The gap widens as those children become older, with only 22 per cent of refugee adolescents attending secondary school, compared with the global average of 84 per cent. At the higher education level, fewer than 1 per cent of refugees attend university, compared with 34 per cent at the global level. The average length of time that a refugee spends in

[31] UNHCR, *Missing Out: Refugee Education in Crisis* (2016). Available from www.unhcr.org/57d9d01d0.

exile is almost 20 years.[22] A total of 86 per cent of the world's refugees are hosted in developing regions, with more than a quarter in least developed countries.[23]

80. UNHCR reports that half of all refugees are found in only seven countries: Chad, Democratic Republic of the Congo, Ethiopia, Kenya, Lebanon, Pakistan and Turkey.[24] Those States already have difficulty meeting the needs of their own people and must find additional places in school, trained teachers and learning materials for thousands of refugees. Often, those children have been out of school for years, and they may not speak the language of instruction. In many cases, they suffer from psychosocial stress and trauma, having fled from violence.

81. Despite those challenges, States are obliged to provide refugees with an education. Article 22 of the Convention relating to the Status of Refugees requires States parties to provide refugees with equal treatment as citizens regarding elementary education, and treatment as favourable as possible, and not less than that accorded to other non-citizens, regarding all other forms of education.

82. States must include potential mass movements of refugees or internally displaced persons in their national education plans, as Cameroon, Chad, the Niger, Pakistan and South Sudan recently have done.[25] Donors, aid agencies and international organizations must similarly plan for, and adequately finance, education plans for refugees that take fully into account their right to education.

83. In its concluding observations on the combined second and third periodic reports of Tajikistan, the Committee on Economic, Social and Cultural Rights recommended that the State party take all appropriate measures to address the problem of high dropout rates among children in disadvantaged situations, including refugees (E/C.12/TJK/CO/2-3, para. 34). The Committee, in its concluding observations on the initial report of Montenegro on the implementation of the International Covenant on Economic, Social and Cultural Rights, called upon the State party to collect disaggregated data on school enrolment and dropout rates at various levels of education, including in relation to asylum seekers, refugees and displaced persons, to identify obstacles to accessing and continuing education and to devise appropriate strategies (E/C.12/MNE/CO/1, para. 25).

84. In Sweden, under Ordinance 2001:976, children and young people who are seeking asylum have essentially the same right to education in preschool, school and after-school centres as those who are Swedish residents. The local municipalities receive funding from the Swedish Migration Agency for the education costs of those students. In New Zealand, refugees have the right to access free publicly funded education. The Ministry of Education provides additional support, both funding and expertise, to schools that are working with refugees and asylum seekers.

II. Migrants and migrant workers

85. Migrant workers face particular difficulty in accessing high-quality education, including for their children. ILO estimated that, in 2015, there were 150 million migrant workers worldwide, with about 45 per cent of them being women.[26] Migrant workers provide important economic support for many countries, but those benefits

[22] Ibid.
[23] Ibid.
[24] Ibid.
[25] Ibid.
[26] ILO, *ILO global estimates on migrant workers* (Geneva, 2015). Available from www.ilo.org/global/topics/labour-migration/publications/WCMS_436343/lang--en/index.htm.

come with the obligation to provide access to education to those workers, their children and members of their families.

86. Articles 30, 43 and 45 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families require States parties to provide equal access to education for migrant workers, their children and members of their family.

87. In practice, those groups face significant challenges. When moving into new territories, migrant groups require a significant amount of additional resources, which may often overwhelm the capacity of existing schools. National education plans, in coordination with labour ministries, must plan for and provide adequate educational facilities for migrant workers, in particular in areas where seasonal work is common.

88. The children of migrant workers face not only the hardships relating to moving to a new country, but often prejudice in schools and a lack of accommodation for different cultural and linguistic backgrounds or inadequate prior education. Specific measures are required to address those issues. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the combined second and third periodic reports of Tajikistan, recommended that the State party take all appropriate measures to address the problem of high dropout rates among children in disadvantaged situations, including children of migrant workers (E/C.12/TJK/CO/2-3, para. 34).

89. Where special facilities are created for migrants, there is an obligation to also ensure access to education. The Committee on Economic, Social and Cultural Rights, in its concluding observations on the second periodic report of the Republic of Moldova, also recommended that the State party ensure access to education for children accompanying their parents and placed in the Migrants Accommodation Centre in Chisinau (E/C.12/MDA/CO/2, para. 28).

90. In Cyprus, legislation provides for non-discrimination against children of migrant workers. Legislation alone is not always enough. In the Dominican Republic, the Ministry of Education and the Ministry of Immigration created an education portfolio fund to help pay for the documentation of 24,000 students who were undocumented migrants and refugees lacking birth certificates.

I. Internally displaced persons

91. There were an estimated 31.1 million internally displaced people in 2016.[27] They are often fleeing violence or natural disasters and suffer many of the same challenges faced by refugees. Internally displaced persons remain citizens within their own country and so should receive all the protections and benefits available to all. To the extent that their nationality is in question, they benefit from the protection provided by article 3 (e) of the Convention against Discrimination in Education, which requires States parties to provide foreigners with the same access to education as nationals.

92. Internally displaced persons are also vulnerable, given that they are still under the geographical jurisdiction of their own State, which in some cases may be the cause of their displacement. In instances where internally displaced persons are denied education by the State, they have no further recourse at the national level,

[27] Internal Displacement Monitoring Centre, *Global Report on Internal Displacement* (Geneva, 2017). Available from www.nrc.no/resources/annual-reports/global-report-on-internal-displacement-2017/.

and it then becomes the duty of the international community to facilitate the fulfilment of the right to education.

93. In Serbia, article 14 of the Law on Preschool Education provides that children that are foreign citizens, as well as children from vulnerable groups without proof of residence or other personal identity documents, refugees or displaced persons are permitted to enrol in a preschool and/or school delivering the preparatory preschool programme under the same conditions and in the manner regulated for the citizens of Serbia. In order to ensure equal treatment of foreign citizens in the enrolment, attendance and completion of secondary school, Serbia implemented a procedure for the recognition of diplomas and certificates acquired abroad or from a foreign school.[28]

J. Nomadic peoples

94. Nomadic peoples, including pastoral nomads and Roma populations, present particular challenges as they may frequently move throughout the year. Attempts to force such populations to remain in one location, or to send their children to a boarding school, are not respectful of their culture. Their right to education is recognized in the recommendation on adult learning and education of the General Conference of UNESCO,[29] in addition to the provisions on basic education rights set out in other treaties.

95. UNESCO has provided technical assistance to Governments to ensure that special measures are put in place for nomadic populations, including positive measures in favour of children from the arid and semi-arid lands in Kenya and the *almajiri* system in Nigeria. In Nigeria, the Act on Compulsory Free Universal Basic Education provides for basic education, including the education of special groups such as nomadic populations and migrants, women and girls, street children and persons with disabilities.

96. The Committee on the Elimination of Racial Discrimination, in its concluding observations on the combined fifteenth to twenty-first periodic reports of the Niger, recommended that the State party continue to implement special measures, including with regard to the right to education. The Committee recommended that the Niger strengthen its mobile schools programme with a view to boosting enrolment and literacy rates among nomadic populations (CERD/C/NER/CO/15-21, para. 17).

97. In northern Mali, the Government has established special schools in which teachers follow the students as the populations move around the country, thus allowing continuity in the education provided. In those schools, free lunches are offered in order to promote the enrolment and retention of children in school.[30]

98. In the Islamic Republic of Iran, nomadic education centres play an important role in reducing the dropout rate of graduates, as well as of other students having no access to daily conventional schools in disadvantaged, underpopulated and tribal regions of the country. In those schools, students are supplied with three meals, dormitories and other educational and training facilities free of charge.[31]

[28] UNESCO, *Implementing the Right to Education* (2016) (see footnote 18).
[29] Available from http://uil.unesco.org/adult-learning-and-education/unesco-recommendation/unesco-recommendation-adult-learning-and.
[30] UNESCO, *Implementing the Right to Education* (2010), p. 140 (see footnote 12).
[31] UNESCO, *Implementing the Right to Education* (2016), p. 99 (see footnote 18).

K. Roma

99. Roma children constitute another group suffering from limited access to education. In the reports submitted to UNESCO in the context of the seventh consultation on the implementation of the Convention and the Recommendation against Discrimination in Education, several States members reported on the progressive measures taken and the obstacles encountered regarding the realization of the right to education for Roma children. The integration of those children into the education system, while respecting their cultural identity and the principle of non-discrimination, can be promoted by drawing upon practical examples.

100. The Committee on Economic, Social and Cultural Rights, in its concluding observations on fifth periodic report of Ukraine, recommended that the State party adopt special measures, including subsidies for textbooks and other educational tools, to increase school attendance by Roma children at all levels (E/C.12/UKR/CO/5, para. 54). The obligation of the State party also comprises the provision of language classes, the combating of discrimination against Roma students and the need to raise awareness among Roma families on the importance of education, including for girls. The provision of mother tongue education for pupils of minority groups, including Roma, has also been interpreted as obligatory under the International Covenant on Economic, Social and Cultural Rights, including in the Committee's concluding observations on the initial report of Slovenia on the implementation of the Covenant (E/C.12/SVN/CO/1, para. 11). The conditions of Roma children in Europe are a key concern, given that the Roma population consists of over 10 million people.

101. The Ministry of Education in Czechia has implemented a number of measures to assist in the education of Roma children, including the creation of preparatory classes for Roma children who are entering basic educational institutions, the establishment of the position of Roma assistant at such schools, the modification of the school curriculum to better meet the needs of Roma children, the introduction of the possibility of smaller classes in schools with a high proportion of Roma children, and the development of mechanisms for the provision of financial support.[32]

L. Stateless people

102. It is estimated that there may be 12 million Stateless people in the world, and it is estimated that 5 million of them are minor children.[33] Those children who are denied a nationality may be refused access to schools, because they are unable to enrol owing to their lack of documentation. In Malaysia, Stateless children of Indian, Filipino or Indonesian descent in the states of Selangor and Sabah are frequently denied access to basic education in state schools. If a child's birth certificate has "foreigner" written on it, or if a child has no birth certificate, the child is unable to enrol in school.[34] It is estimated that 80 per cent of the Rohingya population in Myanmar are illiterate, and some 60 per cent may have never attended school.[35]

103. The right of Stateless people to education is protected under article 22 of the Convention relating to the Status of Stateless Persons and under article 3 of the

[32] UNESCO, *Implementing the Right to Education* (2010), p. 140 (see footnote 12).

[33] Open Society Justice Initiative, "Children's right to a nationality", fact sheet (June 2011). Available from www.opensocietyfoundations.org/publications/fact-sheet-childrens-right-nationality.

[34] Ibid.

[35] Katrina Kaufman, "Myanmar: Rohingya Children Losing Future Without Education", 23 February 2016. Available from www.voanews.com/a/myanmar-rohingya-children-losing-future-without-education/3203595.html.

Convention against Discrimination in Education, both of which require Governments to provide Stateless people with the same right to elementary education as nationals and to the same standard as provided to any other non-national for all other levels of education.

104. Stateless people require the support of the international community to ensure that their right to education is respected. Lacking any government support, and often discriminated against in their country of residence, it is incumbent upon the international community to speak loudly and clearly in support of Stateless people realizing their rights.

105. An example of good legislation is found in the Elementary School Act of Slovenia, article 10 of which provides that children who are foreign citizens or without citizenship and living in the country have the right to compulsory elementary education under equal conditions as the citizens of the country. In Czechia, under Act No. 561 on preschool, basic, secondary, tertiary, professional and other education, that right is extended to public secondary schools.

M. Private education

106. The Special Rapporteur recalls that State obligations to realize the right to education include the obligation to regulate private educational institutions, as set out in general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, of the Committee on Economic, Social and Cultural Rights (E/C.12/GC/24, para. 21). Private providers should be subject to strict regulations, imposing on them public service obligations. Private schools must not be permitted to engage in any form of discrimination and must be held to the same standards for inclusion and accommodation as any public institution, in particular by prohibiting the expulsion of poorly performing students. In addition, financial hardship must never be an excuse for for-profit schools to fail to meet national standards for inclusion. States must also ensure that any private school system does not create economic discrimination or segregation in the education system.

V. Conclusions and recommendations

107. **As Governments work to implement the Sustainable Development Goals, particular care is needed to address discrimination by identifying people and groups who are in need of specific, targeted support. This requires a review of laws, policies, disaggregated education data and targeted financing and actions to address the specific needs of learners, which is best implemented through decentralized decision-making and inclusive consultations with all stakeholders, including learners, parents and communities.**

108. **States must not only ensure that schools provide equal opportunities for all learners to access education according to their ability, but also ensure that learners receive the support that they require to succeed once they are in school. Laws and policies must clearly be aimed at eliminating discrimination, and they must also provide for measures to ensure that the barriers and disadvantages faced by some learners are also addressed. However, States must also ensure that the necessary measures are implemented at the local level to ensure that all learners are able to pursue, and succeed at, their educational goals.**

109. In order to ensure that States are meeting their obligations regarding inclusive and equitable education, it is vital that disaggregated data be collected and published. Donors and international organizations should provide financial and technical support to ensure that all States develop the capacity to monitor and report on all segments of the population. Without such measures, it is very difficult to identify the challenges and barriers preventing all learners from succeeding in school.

110. The right to education encompasses all aspects of education, from early childhood care and education to adult literacy programmes, and the right to lifelong learning. Equitable, inclusive approaches should be applied at all levels of education, not just the primary level. Education programmes must also remain holistic and prepare learners not just for employment, but for all aspects of their lives.

111. In the light of the foregoing, and taking into consideration the concerns raised in connection with vulnerable people and groups in the present report, the Special Rapporteur offers the recommendations set out below.

112. States must take action to identify and address the multiple barriers faced by women and girls. Cultural and economic barriers require not just anti-discriminatory laws and policies, but also active measures to address financial costs, as well as engagement with families, communities and religious leaders, in order to ensure that education for girls is valued and supported. This includes gender-responsive budgeting and reporting and mainstreaming a gender perspective in approaches to all aspects of education. It is of vital importance that girls and their families are made aware of their human right to an education.

113. Inclusive education requires schools to adapt and accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other personal circumstances. States must ensure that all children receive the special assistance they require to address their individual needs; they cannot simply be added to classrooms without accommodations. Effective inclusion must be implemented through education laws and policies, and it must also be incorporated into the culture and practices within schools.

114. Education must be ethnically, culturally and linguistically inclusive. No student should be made to feel excluded, and diverse cultural, religious and linguistic perspectives should be incorporated into curricula and classroom practices.

115. Bilingual and native language instruction should be provided in schools with significant numbers of students from linguistic minority groups. This is especially relevant today with regard to schools that are being established for migrants and refugees, who already face significant additional barriers to integrating into a foreign education system and a foreign culture. Respect for diversity should be reflected in curricula, which should be sensitive to the culture and religion of learners.

116. The low population densities and often high poverty levels among rural people require greater per capita investment by States. Barriers, including unwillingness of teachers to live in remote areas, high transportation costs or long travel times to schools, can often be addressed through additional financial support or innovative, flexible education programmes. States must take measures to ensure that rural education is of the same quality as that provided in urban settings.

117. Evidence indicates that inclusive education is of comparable cost, but more effective in educating persons with disabilities, to segregated systems. States should make every effort to ensure that national education systems are inclusive for all learners, including those with physical and mental disabilities. Inclusion policies should also address all forms of diversity in student populations, including different ethnic, cultural, linguistic and economic backgrounds.

118. National education legislation must never preclude children with disabilities from realizing their right to education. Legislation which considers certain categories of children to be "uneducable", or which places responsibility for the education of children with disabilities with ministries other than education, must be amended.

119. The complex, multidimensional barriers faced by learners from poor families require targeted financial and material interventions. At a minimum, primary and secondary education must be free of charge, including tuition, uniforms, textbooks and transportation to school. Special measures may include free meals, flexible school schedules to accommodate the demands of agricultural households or mobile schools for nomadic populations. School buildings must meet national standards, and teachers must be well-trained and supported. Coordination within the Government may be necessary to ensure that poor families have access to electricity and other utilities, as well as basic health care.

120. Governments must indicate in laws and policies that education for poor students must be free, of good quality, and accessible. Historical prejudices that devalue education for the poor must be visibly challenged to enforce the norm that everyone has the equal right to high-quality education.

121. States must include potential mass movements of refugees or internally displaced persons in their national education plans, and those learners must be reflected in national education data systems to ensure that their achievements are monitored. For donors and aid agencies, crisis response plans must recognize that such populations will stay for years, and education plans must be adapted accordingly to include them. To the extent possible, education plans and educational institutions should anticipate and address the cultural and linguistic differences of students.

122. Stateless people often face the most severe forms of discrimination, given that they have no Government to rely upon for protection. This places an extra burden on the international community and Governments to ensure that their right to education without discrimination is implemented in practice. Where that is not the case, I call upon other Governments to draw attention to such injustices in dialogue with the host country, as well as in international forums.

123. The primary responsibility for implementing the right to education lies with Governments. However, the international community must provide targeted political, financial and technical support to assist governments in implementing inclusive and equitable education policies. This is particularly relevant in relation to efforts to achieve the Sustainable Development Goals and implement the Education 2030 Framework for Action.